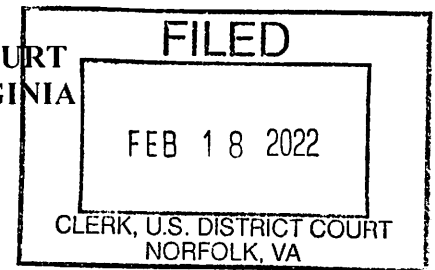


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:19-cr-47

DAVID ALCORN, &  
AGHEE WILLIAM SMITH, II,

Defendants.

**ORDER**

Before the Court are five motions *in limine* filed by Defendant David Alcorn and Defendant Aghee William Smith, II (collectively, “Defendants”). On January 31, 2022, the Court held several of these motions in abeyance. Jan. 31, 2022 Mem. Order, ECF No. 371. The Court deferred ruling on the remainder. Trial in this case began on February 1, 2022. On February 16, 2022, the Government rested its case. On February 16, 2022, Defendant Alcorn rested his case. On February 17, 2022, Defendant Smith rested his case.

The Court held the following motions in abeyance. First, on October 27, 2021, Defendant Smith filed a Motion *in Limine* to Exclude Evidence About Northridge Holdings Ltd. and Pension Funding, LLC. Def. Smith’s Mot. Lim. Evid. Northridge & Pension, ECF No. 223. Second, on November 8, 2021, Defendants<sup>1</sup> filed a Motion *in Limine* to Preclude the Government from Asking Hypothetical Questions of Fact Witnesses to Elicit Subjective Perceptions of Materiality. Defs.’ Mot. Lim. Gov’t Hypo., ECF No. 260. The Court finds that the issues raised in these Motions did not arise during trial. Third, on January 24, 2022, Defendant Smith filed a Motion *in Limine* to Preclude Evidence of Misrepresentations that Post-Date the

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<sup>1</sup> On November 9, 2021, Defendant Alcorn filed a Motion to adopt Smith’s Motion. ECF No. 271. On January 25, 2022, the Court granted Alcorn’s Motion to Adopt. ECF No. 357. Accordingly, both Defendants bring this Motion.

Charged Crimes. Def. Smith's Mot. Lim. Evid. Post-Charge Misreps., ECF No. 351. The Court finds that the issues raised by this Motion either did not arise during trial or the Court ruled on them in their appropriate factual contexts. *See Nat'l Union Fire Ins. Co. of Pittsburgh, Pa. v. L.E. Myers Co. Grp.*, 937 F. Supp. 276, 287 (S.D.N.Y. 1996).

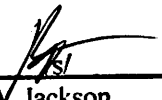
The Court deferred ruling on the following motions. First, on January 26, 2022, Defendant Smith filed a Motion *in Limine* Respecting Documents Used to Refresh a Witness's Recollection. Def. Smith's Mot. Lim. Docs. Refresh Witness Rec., ECF No. 365. Second, also on January 26, 2022, Defendant Smith filed a Motion *in Limine* Respecting Non-Hearsay Statements. Def. Smith's Mot. Lim. Non-Hearsay Statements, ECF No. 366. The Court finds that it ruled on these issues in their appropriate factual contexts during trial. *See Nat'l Union Fire*, 937 F. Supp. at 287.

Accordingly, the Court finds all five aforementioned Motions *in Limine* as **MOOT**.

The Court **DIRECTS** the Clerk to provide a copy of this Order to all parties.

**IT IS SO ORDERED.**

Norfolk, Virginia  
February 18, 2022

  
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Raymond A. Jackson  
United States District Judge